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DDI- 3994-22

12 May 1982

82-7381

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

VIA: Deputy Director for Intelligence
Director of Global Issues

FROM:
Chief, Geography Division, OGI

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SUBJECT: Meeting of the Interagency Group (IG) on the
Law of the Sea (LOS)

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1. Action Requested: None. This memorandum summarizes for your information the results of the IG-LOS meeting held on 11 May 1982 at the Department of State, which was chaired by Ambassador James Malone, Assistant Secretary for Oceans and International Environmental and Scientific Affairs (OES), Department of State.

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2. Background: Ambassador Malone chose not to specifically describe the final general session of the LOS Conference. Instead, he indicated that the National Security Council has tasked the IG to review the impact of the new LOS Convention on the US's overall oceans interests and objectives, to determine the positions that must be taken to protect these interests, and consider whether the US should sign the Final Act of the Treaty later this year. This review should be considered by the Senior Interagency Group (SIG) and forwarded for the President's consideration by 16 June.

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3. Conclusions/Results of the IG-LOS Meeting: The IG agreed that it was imperative to look ahead and to identify and implement an oceans policy that will protect US interests since the United States is not likely to be a party to the LOS Convention. The United States, for example, must now decide whether it intends to legislate a 12-mile territorial sea and establish a 200-mile Exclusive Economic Zone.

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The most pressing decision to be reached concerns the proposed Reciprocating States Agreement among major industrial states that could serve either as a competing legal regime to the UN Convention, or, with some modification, could complement the Convention's grandfather provisions for the existing seabed mining consortia. To this end, the United States must soon adopt a plan of action with regard to the United Kingdom, West Germany, France, Japan, Belgium, Italy, and the USSR. Decisions must be reached on whether to press these states not to sign the LOS Treaty and at what level any US interventions should be made.

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(LOS) []

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Looking even further ahead, the United States must be prepared to protect itself against UN and Third World challenges to any legislative and diplomatic moves to mine the international area of the oceans outside the framework of the LOS Treaty. Indeed, the first signal of the possible North-South confrontation on the deep seabed mining issue has already come from Tommy Koh, the President of the LOS Conference, who recently stated that he stands ready to seek a UN resolution condemning US legislative and mining actions outside the Treaty and that, if necessary, he would institute legal proceedings in the International Court of Justice to stop mining by US firms. []

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4. Follow-up Tasks: The formulation and attainment of US oceans objectives will require high-level policymaker attention during this next year. The first task at hand for the IG in the post-LOS Conference period is to extensively examine a new set of LOS options. Much of the research done in NIE 2/1-81 Law of the Sea and other recent DDI ocean related studies will be a valuable input during this crucial transition period. In the longer run, DDI personnel will continue to support this policymaking mechanism with appropriate inputs of analysis and intelligence data on the reactions of key foreign states to new US initiatives. []

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